

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID CRAIG MARTIN,

Defendant.

NO. CR20-116-JLR

ORDER CONTINUING TRIAL  
DATE

THE COURT having considered and denied the Defense Motion to Withdraw and ex parte filings and proceedings related thereto (*see* Dkts. 40-44) now continues the trial and pretrial motions deadline, including the Defendant's written waiver of speedy trial, hereby makes the following findings:

1. On May 14, 2020, Mr. Martin was charged by Complaint with one count of Possession of Child Pornography in violation of Title 18 U.S.C. § 2252(a)(4)(B), (b)(2). Dkt. 1. On July 9, 2020, Mr. Martin appeared for his initial appearance and was ordered detained at the hearing. Dkts. 7, 8.
2. Mr. Martin was indicted on one count of Possession of Child Pornography in violation of Title 18 U.S.C. § 2252(a)(4)(B), (b)(2) on August 6, 2020, and trial

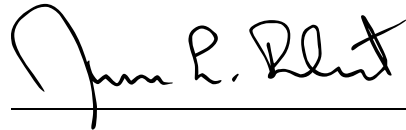
- 1 was set for October 13, 2020. Dkts. 14, 18.
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- 3 3. The trial date was continued to March 1, 2021, by motion of then appointed
- 4 Assistant Federal Public Defender Mr. Murphy. Dkt. 23. On November 10, 2020,
- 5 Mr. Geisness was appointed to represent Mr. Martin and Mr. Murphy withdrew
- 6 from the case. Dkt. 29.
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- 8 4. The Court granted the parties joint motion to continue the motions and trial dates
- 9 to allow Mr. Geisness an opportunity to review discovery and confer with Mr.
- 10 Martin. A motions deadline was scheduled for May 10, 2021, with a trial date of
- 11 June 21, 2021. Dkt. 32.
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- 13 5. Mr. Geiness moved the Court for a continuance of motions and trial dates in order
- 14 to obtain expert forensic analysis of the government's evidence. Dkt. 34. The
- 15 Court granted the motion and scheduled a motions deadline of August 30, 2021,
- 16 and a trial date of October 12, 2021. Dkt. 36.
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- 18 6. On August 19, 2021, Mr. Geiness filed a Motion to Withdraw As Attorney and for
- 19 Appointment of New Counsel and a sealed declaration related thereto. Dkts. 40-
- 20 43.
- 21
- 22 7. On September 2, 2021, the Court held an ex parte hearing to address Mr.
- 23 Geisness' motion to withdraw. Dkt. 44. The Court denied the motion to withdraw
- 24 and granted a brief trial continuance at the request of the defendant, who executed
- 25 a speedy trial waiver.
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- 27 8. The ends of justice served by extending the motions deadline to January 18, 2022,
- 28 and trial date to February 28, 2022 outweighs the Defendant's and the public's
- best interests to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A); 18 U.S.C. § 3161(h)(7)(B)(i), (iv).
9. The failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due

1 diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

2 IT IS THEREFORE ORDERED that the pretrial motions shall be filed no later than  
3 January 18, 2022, and that trial will begin on February 28, 2022.

4 IT IS FURTHER ORDERED THAT the time period between the date of this order  
5 and February 28, 2022, is excludable time, pursuant to 18 U.S.C. § 3161(h)(7)(A), for the  
6 purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §  
7 3161-3174.  
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9 Dated this 8th day of September, 2021.

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13 The Honorable James L. Robart  
14 U.S. District Court Judge  
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